

Municipal Council Meeting Minutes  
Tuesday, February 14, 2006  
Town Hall Auditorium

Call to Order 7:02PM

Pledge of Allegiance – Councilor Benson

Roll Call: Hank Brennick, Ann Connolly King, Robert Lavoie, Alison Lindstrom, Donna McClure, Mario Pinierio, Michelle Thone, Roger Benson, Christopher Lawrence

Accept Minutes January 10, 2006 & January 19, 2006 – Councilor Benson moved to accept, Councilor Pinierio seconded – Voted Unanimous

Councilor Thone moved to take the Joint Hearing with the Planning Board out of order. Voted Unanimous.

Planning Board Roll Call: John MacDonald, Michael Brown, Hilary Ward, Marguerite Zagranis, Ara Sanentz

Karen Solstad of 6 Kendricks Court states that she has been a resident of Amesbury for 21 years. She is committed to the future of the town and the master plan. She feels her masters' degree in dispute resolution and her experience as a mediator would be an asset to the board.

Curtis Wollitz of 91 South Hampton Rd, a resident for 12 years feels the position would fit into his field of education in urban and regional planning. He has been on the design review committee for the last year and a half and feels the planning board position would let him get more involved. Councilor Pinierio asks how he feels about 40B. Mr. Wollitz replies they have to be allowed because of requirements from the state.

John MacDonald nominates Curtis Wollitz, Councilor Benson seconded  
Michael Brown nominates Karen Solstad, Councilor Benson seconded

Roll Call Vote:

Karen Solstad - 11 (Brennick, Lindstrom, McClure, Pinierio, Thone, Benson, Lawrence, Brown, Ward, Zagranis, Sanentz)

Curtis Wollitz – 3 (King, Lavoie, MacDonald)

Councilor King asks if there would be any conflict of interest with Karen Solstad serving on the Planning Board at the same time her husband is on the design review. The Planning Board assures her there wouldn't be.

Michael Brown closes the planning board meeting.

**PUBLIC COMMENT**

President Lawrence states that Mayor Kezer has presented to the Council the Financial Forecast and Capital Improvement Plan

James Thivierge, 11 ½ Sanborn Terrace cautions against advertising on police cruisers, advocates for the playing fields at Woodsom Farm and stresses the need to reduce the water and sewer rate.

Jim Chandler, 417 Main Street reads a statement on affordable housing (attached).

Deborah Provost, 8 Feeley Terrace thanked Councilors Brennick and Thone for sponsoring 2006-010. Although she is disappointed the ordinance committee rejected 2006-010 she understands there are several view points on interpreting the charter however; she still stands by her interpretation. She believes the charter was violated. It is now for the divisiveness and hate to stop in this town.

#### Amesbury High School Building Update

Barbara Bodie, Chairperson High School Building Project gave an overview and update on the building project.

Councilor Lindstrom asks if the town is going to be liable for costs overruns since the state has stopped funding them and if we are; can the town collect damages from the construction company? Ms. Bodie answers yes; there is a fine system in place at \$2,000 a day beyond completion date. They will be tallied and presented to the construction company.

Councilor McClure asks for a copy of the 1999 Enrollment Study report, Ms. Bodie will get it for her.

Councilor Thone asks what the town's recourse is for not receiving the amended phasing it asked for. David Deneski responds a copy of the notice was sent to counsel for the surety company. They are aware there are issues. He would recommend the committee to proceed under the performance bond to declare default. The surety would take action to assure performance by the contractor. Councilor Thone asks Ms. Bodie to explain further the accreditation issue. She explains that the building is not ADA compliant which is part of accreditation. It could affect us financially by choice money out. Councilor Thone asks if the 10 to 12 month delay will be growing. Ms. Bodie explains they don't have logic in the critical path method that makes sense and is therefore impossible to know right now.

Councilor Pinierio asks why, Jack Luz who is on the Educational Committee, was not allowed to tour the project. Ms. Bodie explains it was an invitation extended only to elected officials because of safety and insurance issues. They needed to control the number of people on the site.

Councilor Lindstrom notes that the Middle School has 5 grades and asks how crowded it is and if education is suffering. Ms. Bodie explains there is pressure but, the overall assessment is that education is not suffering.

Councilor Lavoie states he did take the tour and is impressed with the quality and good work on the project.

#### Master Plan Presentation

Nipun Jain, Town Planner gave an update on the history and the future of the Master Plan.

Councilor Benson feels the makeup of the committee needs to change from 7 residents to 3 or 5 because it is almost impossible to make quorum. Awareness of the committee has to be raised to attract new members.

Councilor Thone asks if there has been any form of projected costs worked up and if any of the costs were reflected in the CIP. Nipun Jain replies that the costs have been defined as low 0 -\$50,000, Medium \$50,000 - \$250,000, high \$250,000 – over and they are not yet reflected in the CIP.

*Councilor Thone makes a motion to take President/Vice President Communications out of order. Councilor Benson second, Voted Unanimous*

President Lawrence read a prepared statement updating the public on the new council.

President Lawrence read a letter from the Middle School Building Committee asking the Council to vote to dissolve the Building Committee. *Councilor Brennick moved to dissolve the Committee, Councilor Lindstrom seconded. Voted Unanimous*

President Lawrence read a letter from the Trustees of the Amesbury Public Library stating that they are forming a committee to begin work on a new long range plan for the Library and invites the municipal council to nominate one member to serve.

### **Licenses and Permits**

**2006-019** Common Victualler – George Lorden d/b/a Katies Coney Island Hot Dogs

President Lawrence reads 2006-019 into the record. George Lorden was not able to attend the meeting.

*Councilor Brennick moved to approve, Councilor Pinierio second – Voted Unanimous*

**2006-020** Common Victualler JJ88 Zhao, Inc., d/b/a China Star

President Lawrence reads 2006-020 into the record. Peter Lin representing China Star states this is a change of ownership, the name will stay the same.

*Councilor Lavoie moved to approve, Councilor Benson second, Voted Unanimous*

**2006-023** Automatic Amusement – Lafayette Lanes reimbursement

President Lawrence reads 2006-023 into the record and reads the letter asking for a refund.

Councilor Benson abstains. *Councilor Brennick moved to refund half the fee, Councilor Benson second.* Councilor Lindstrom feels all the money should be returned. Councilor Lavoie made the observation the town did take the time to process the application and should recover some of the costs.

*Councilor Brennick moved to refund half the fee, Councilor Benson second. Voted Unanimous*

**2006-004** Auto Class II – Portal Auto Mall, Inc. 30 Congress Street

President Lawrence reads 2006-004 into the record and reads a communication from the Building Inspector not to issue the license. *Councilor Benson moves to continue 2006-004 to the 3/14/06 council meeting, Councilor Thone seconded – Voted Unanimous*

### **Mayoral Appointments**

**2006-24** Appointment of Teresa Axten – Council on Aging unexpired term to expire 6/30/08

President Lawrence reads 2006-024 into the record and states Ms. Axten is unable to attend the meeting. *Councilor Pinierio motions to appoint Teresa Axten to the Council on Aging, Councilor Benson second – Voted Unanimous*

**2006-025** Appointment of David Costello – Cemetery Advisory Comm. unexpired term to expire 6/30/07.

President Lawrence reads a letter from Mayor Kezer stating David Costello has withdrawn.

**2006-026** Appointment of Eileen Dougherty – Cultural Council unexpired term to expire 6/30/08  
President Lawrence reads 2006-026 into the record; Ms. Dougherty is not in attendance.  
Councilor Brennick voices concern that the applicant is not at the meeting. President Lawrence explains that appointment will take affect in 15 days it has to be voted either way tonight. In general they usually do attend. Councilor McClure feels these are citizen volunteers that have been chosen by the Mayor and should be approved.  
*Councilor Benson moves to approve 2006-026 as submitted, Councilor Pinierio seconded – Voted Unanimous*

**2006-027** Appointment of Nathan Gray – Lakes & Waterways Comm unexpired term to expire 6/30/08  
President Lawrence reads 2006-027 into the record. Mr. Gray, 119 Pleasant Valley Rd lives on the Merrimack River and has an interest in the Lakes & Waterways Commission.  
*Councilor Brennick moves to approve, Councilor McClure seconded – Voted Unanimous*

### **Public Hearings**

**2006-005** An Order that the Town accept a \$2,800.00 donation from RAMSLEG – Mayor Kezer sponsor cont. Councilor Brennick reads the Finance Committee recommendation to approve.  
President Lawrence reads 2006-005 into the record, opens the public hearing.  
*Councilor Benson moves for approval of 2006-005 as submitted, Councilor McClure second – Roll Call Vote – Unanimous*

**2006-010** An Order to fill a vacancy on the Library Board of Trustees – Councilor Brennick, Councilor Thone sponsor  
President Lawrence reads 2006-010 into the record and opens the public hearing. Councilor Lavoie reads the Ordinance recommendation to not approve.  
*Councilor Lavoie moves that 2006-010 not be adopted, Councilor Thone second – Voted: 7 Yes, 2 NO (Pinierio, Brennick) public hearing closed*

**2006-012** An Ordinance to Amend Article 1 – Municipal Council Meetings – President Lawrence sponsor  
President Lawrence reads 2006-012 into the record and opens the public hearing. Councilor Lavoie reads the Ordinance recommendation to approve.  
*Councilor Lavoie moves for adoption of 2006-012, Councilor McClure second – Voted Unanimous*

**2006-016** An Ordinance to Amend Article 31 – Collective Bargaining Agreements – Councilor Pinierio, President Lawrence sponsor cont.  
President Lawrence read 2006-016 into the record and opens the public hearing. Councilor Lavoie read the Ordinance Committee recommendation to adopt section 1 and 2 of the proposed bill and delete section 3. Councilor King questions the “unique measure” and its intent. Councilor Benson asks Councilor Lavoie if the Ordinance Committee addressed the School Contract due to the fact that the Municipal Council votes on the bottom line of the school budget. He would like to see the Ordinance Committee address the school issue.  
*Councilor Benson moves to refer 2006-016 back to the Ordinance Committee to address section 2 in regard to the School Department.*  
Annette Denietolis, 21 Orchard St., supports 2006-016 having each contract come as a discrete unit to simplify the understanding as opposed to having it embedded in the budget.

Jane Snow, Fern Ave., supports 2006-016 because it would help people to be informed and understand the contracts.

Marc Deschenes, 1 Highland St., supports 2006-016. Having the contracts come separately is just a better understanding of the contracts he does not see where it poses legal issues.

Councilor McClure would like to see this measure approved.

Councilor Benson would support having the contracts come as a separate measure his concern is only the school department where the council only votes a bottom line and this would give the council control over a specific item which they don't currently have.

*Councilor Benson moves to refer 2006-016 back to the Ordinance Committee to address section 2 with regard to the School Department. Councilor Lavoie second - Voted 6 Yes, 3 No (McClure, Thone, Lawrence)*

Councilor King feels the purview of the Ordinance Committee is vague. She would like the Ordinance Committee to state the exact purview of the committee. President Lawrence will take it into consideration. Jane Snow, Fern Ave., feels somewhere the purview of the committee is written out. March Deschenes, 1 Highland St., feels the council should tell the Ordinance, as a subcommittee of the council, what its roll should be. President Lawrence states he will have a statement prepared for the March 2<sup>nd</sup> Ordinance meeting.

#### **2006-018 An Ordinance to Amend Sec 5.5 of the Traffic and Transportation Regulations – Councilor Benson sponsor cont.**

President Lawrence read 2006-018 into the record and opens the public hearing. Councilor Lavoie read the recommendation of the Ordinance Committee moved to discharge this back to the Municipal Council with no recommendation. Councilor Brennick read the Traffic & Transportation recommendation to maintain section 5.5 as is and add to it the snow emergency parking ban referring to the blue lights. Councilor Thone reads a memo from the Mayor's office stating that the Police, Fire and DPW are completely against 2006-018. Councilor Benson explains, in part, the intent of 2006-018 to allow parking on the street unless the blue lights are on. He does not want to accept the recommendation of Traffic & Transportation. Councilor McClure states it doesn't make sense to have the lights without any legislation in place. Councilor Benson states it was a mistake of the previous council. He believes the lights would not have been bought if the law was not going to be changed; it was the intent of the council to change the ban and only have the blue lights. Councilor Lindstrom states after talking with Brian Gilbert, that the Town of Amesbury is all hills and icing after 10 and 12 PM is a major issue. Getting the large sanding trucks up steep narrow streets with cars parked on the road would be impossible. She feels 2006-018 should be sent to the Policy Committee on Public Safety. Brian Gilbert is in favor of both the ban and blue lights, he is concerned with operational efficiency and effectiveness, public safety and setting realistic expectations with the community. Councilor McClure states the City of Salem errors on the side of caution. If a storm is impending, the blue lights go on all day. She does not see the benefit of having both.

Bill Lavoie, Rocky Hill Rd., as a previous member of Traffic and Transportation states this issue comes up every year and every year the ban stays in effect.

Jane Snow, Fern Ave. feels there are many different issues facing the parking ban and asks the council to not vote until all issues have been discussed.

Josh Handverger read a prepared statement from Chief Cronin.

Marc Deschenes, Highland Street supports lifting the parking ban.

President Lawrence would like to see the blue light system fully implemented as voted and 2006-018 sent back to Traffic & Transportation and Policy Committee on Public Safety.

*Councilor Benson motions to move 2006-018 back to Traffic and Transportation and Public Safety. Councilor Thone second – Voted 8 Yes, 1 No (Pinierio)*

### **New Business**

#### **2006-009 An Act to Establish a Tourism Promotion Fund – Councilor Lawrence sponsor**

President Lawrence read 2006-009 into the record.

*Councilor Thone motions to refer 2006-009 to the Finance Committee and Ordinance Committee, Councilor McClure second – Voted Unanimous*

#### **2006-021 Rules and Procedures Amendment to Rule 11-C Ad-Hoc Committees – Councilor Lindstrom sponsor**

President Lawrence read 2006-021 into the record.

*Councilor Lavoie moved to refer 2006-021 to Ordinance, Councilor Thone second – Voted – Unanimous*

#### **2006-022 An Order to overspend the Snow and Ice Budget for FY2006 – Mayor Kezer sponsor**

President Lawrence reads 2006-022 into the record. *Councilor Pinierio motions to refer 2006-022 to the Finance Committee, Councilor Thone second - Voted – Unanimous*

#### **2006-028 An Act to change Article 9-18 Solicitation Policy of the APD regulations – Mayor Kezer sponsor**

President Lawrence read 2006-028 into the record. *Councilor Thone moved to refer 2006-028 to the Ordinance Committee, Councilor Brennick second. Voted – Unanimous*

### **Communication from Elected Officials, Boards and Commissions**

Councilor Kings asks President Lawrence if Municipal Councilors would be able to sit along side the Finance Committee for the budget hearings. She feels all the Councilors should participate in the budget hearings because it is their primary roll as elected officials. *President Lawrence responds no, there is an appointed Finance Committee and everyone is welcome to attend. Councilor King disagrees with the ruling and sites Council Rule Section 6 G and asks; shall the decision of the Chair stand as the judgment of the Council?*

Councilor Thone believes Councilor King will have the opportunity to participate in the budget hearings if she attends them and is acknowledged by the chair. She feels the committee needs to be allowed to do their work.

Councilor Benson asks the Council to support Councilor Kings request to participate in the budget hearings. He feels there is much to be gained by sitting at the table and being an active participant in discussions.

Councilor McClure understands Councilor Bensons concern because it is based on the way the previous council operated. The new council is very inclusive and will not shut anyone down. He will have an opportunity to come and stand at the podium and be given the full attention of the council.

*President Lawrence responds no, there is an appointed Finance Committee and everyone is welcome to attend. Councilor King disagrees with the ruling and cites Council Rule Section 6 G and asks; shall the decision of the Chair stand as the judgment of the Council?*  
*Roll Call Vote – 7 Yes, 2 No (King, Benson)*

**Council Communications, Announcements and Committee Reports**

Traffic and Transportation – Declare seat vacant – appointed 3 year term

*Councilor Benson moves to declare Traffic and Transportation seat vacant, Councilor Lindstrom second. Voted - Unanimous*

**2006-006** An Ordinance to Ensure Access to Public Documents – President Lawrence, Councilor Pinierio sponsor cont. **Schedule workshop only**  
President Lawrence will work with Anne Verrett Speck to schedule a workshop at the Middle School computer lab.

Councilor Brennick updates the Council on the Finance Committee and invites everyone to attend a meeting with Mr. John Robertson from MMA to discuss Chapter 70 and education reform on February 22<sup>nd</sup> at 7PM.

Councilor Lindstrom updates the Council on the Policy Committee on Education and reads a report from Jack Luz on enrollment projection.

*Councilor Benson motions to adjourn, Councilor McClure second – Voted Unanimous 10:30PM*

Respectfully Submitted,  
Assistant Town Clerk